

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re:	:	Case No. 07-58740
	:	
	:	Judge Preston
RALPH V. TAYLOR	:	
	:	Chapter 13
Debtor.	:	

NOTICE OF ACCEPTANCE OF OFFER OF JUDGMENT

Now comes Ralph V. Taylor, by and through counsel, and hereby accepts the *Respondent Bank of America N.A.'s Offer of Judgment Pursuant to Bankruptcy R. 7068 and Fed. R. Civ. P. 68* filed October 10, 2018 (Doc. 104) (attached).

Respectfully Submitted,

/s/ Mitchell Marczewski (0073258)
Attorney for Debtor
MARCZEWSKI LAW OFFICES LLC
1020 Maple Ave
Zanesville, OH 43701
740 453-8900
740-453-8988, Fax
mitch@zanesvillelawyer.com
www.zanesvillelawyer.com

CERTIFICATE OF SERVICE (LBR 9013-3)

I hereby certify that a copy of the foregoing *Notice of Acceptance of Offer of Judgment* was served (i) electronically on October 11, 2018 through the court's ECF System on all ECF participants registered in this case at the email address registered with the court.

and (ii) by ordinary U.S. Mail on June 5, 2018 addressed to:

Bryan T. Kostura, Esq
McGlinchey Stafford
3401 Tuttle Rd Ste 200
Cleveland OH 44122-4640

LeAnn Covey, Esq.
Clunk Paisley Hoose Co. L.P.A.
4500 Courthouse Blvd.
Stow OH 44224

/s/ Mitchell Marczewski, Esq. (0073258)

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COPY

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re:)	Case No. 07-58740
)	
)	Judge Preston
RALPH V. TAYLOR)	
)	Chapter 13
Debtor.)	
)	

**RESPONDENT BANK OF AMERICA, N.A.'S OFFER OF JUDGMENT
PURSUANT TO BANKRUPTCY R. 7068 AND FED. R. CIV. P. 68**

Pursuant to Bankruptcy Rule 7068 and Rule 68 of the Federal Rules of Civil Procedure, Respondent Bank of America, N.A. ("BANA"), submits the following Offer of Judgment to settle all claims by Debtor Ralph Taylor asserted against BANA. This matter is not currently scheduled for hearing until March 18, 2019, making this Offer timely under Bankruptcy Rule 7068 and Federal Rule 68(a). Without admitting liability, BANA offers to permit judgment against it in the above captioned matter on the following terms:

1. BANA offers to compromise and settle all of Debtor's claims in exchange for payment of \$45,000.00, inclusive of all costs and attorney's fees incurred by the Debtor to date.
2. In accordance with Bankruptcy Rule 7068 and Fed. R. Civ. P. 68(a), this Offer of Judgment is available for fourteen (14) days following service on Debtor, through his counsel of record, after which time this Offer is withdrawn.

3. This Offer of Judgment must be accepted by written notice, served on BANA through its counsel of record, Bryan Kostura.
4. By accepting this Offer of Judgment, Debtor agrees that he acknowledges full satisfaction of all claims against BANA. On notice of acceptance from Debtor, this Offer, Debtor's written notice of acceptance, and proof of service shall be presented to the Clerk of Court for the United States Bankruptcy Court for the Southern District of Ohio, Eastern Division, and judgment will be entered therein in accordance with the terms of this Offer.
5. Nothing in this Offer of Judgment shall be construed as an admission of liability on the part of BANA.
6. Pursuant to Bankruptcy Rule 7068 and Fed. R. Civ. P. 68(b), evidence of an unaccepted Offer is not admissible except in a proceeding to determine costs.
7. BANA agrees to pay said judgment in full no later than ten (10) days after receipt of both an entry or Order by the clerk and receipt of a W9 from both the Debtor and Debtor's Counsel. A bank draft shall be sent to the debtor's counsel of record jointly payable to the debtor and his counsel of record.

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This Offer of Judgment is submitted to Debtor this 10th day of October, 2018.

Respectfully submitted,

/s/ Bryan T. Kostura

Bryan T. Kostura (0078785)

McGlinchey Stafford

3401 Tuttle Road, Suite 200

Cleveland, Ohio 44122-4640

Telephone: (216) 378-9905

bkostura@mcglinchey.com

Counsel for Respondent, Bank of America, N.A.

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing *Respondent Bank of America, N.A. 's Offer of Judgment Pursuant to Bankruptcy R. 7068 and Fed. R. Civ. P. 68* was served by ordinary

U.S. Mail on October 10, 2018 to:

LeAnn Covey, Esq.
Clunk Paisley Hoose Co. L.P.A.
4500 Courthouse Blvd.
Stow, Ohio 44224

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Columbus, Ohio 43215

Frank M. Pees, Chapter 13 Trustee
By D. L. Mains, Staff Attorney
130 E. Wilson Bridge Road, Suite 200
Worthington, OH 43085

/s/ Bryan T. Kostura

Bryan T. Kostura (0078785)